

### **REMARKS/ARGUMENTS**

Claims 1-16 stand in the present application, claims 5, 7 and 13 having been amended. Reconsideration and favorable action are respectfully requested in view of the above amendments and the following remarks.

The Examiner has objected to the Abstract of the Disclosure stating that certain text is missing after "one or more" in line 5. As noted above, Applicant has amended the Abstract to correct the deficiency pointed out by the Examiner.

The Examiner has also rejected claims 1-16 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. Applicants respectfully traverse the Examiner's § 112, second paragraph, rejection of the claims.

The Examiner states at paragraph 5 on page 2 of the Office Action that claim 1 should recite the features of the invention which are specified at page 5, paragraphs 1 and 2 and page 15, line 19 – page 16, line 20. Applicant respectfully disagrees. The portions of the present specification specified by the Examiner relate to the second embodiment of Applicants' invention. The first embodiment of Applicants' invention is set forth, *inter alia*, at page 4, lines 12-33. In addition, the second embodiment of Applicants' invention is claimed in dependent claim 3. It is respectfully submitted that there are no omitted steps in claim 1 and that in any event, claim 3 provides the omission supposedly identified by the Examiner. More particularly, the Examiner states at page 3 of the Office Action that "without a functional element being claimed to bridge the gap between the analysis means and the output providing means, a search result will not be obtained by use of said identified query term as claimed." The Examiner's

statement is simply not understood. Claim 1 clearly recites a monitoring means which allows the user to input one or more query terms. Subsequently, the weighting means and analysis means identify a recorded query term for the output means (i.e., the means for providing) to act in accordance with the functional language of the final element in claim 1. In other words, claim 1 clearly specifies that the identified query term is determined from the query terms that are input by the user to the monitoring means. This same analysis holds true for the remaining independent claims 7, 13 and 15. In view of the above, Applicants respectfully request that the Examiner withdraw this § 112, second paragraph, rejection of the claims.

The Examiner has also rejected claims 5, 7-11 and 13-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As noted above, Applicants have made suitable amendments to claims 5, 7 and 13 in order to correct each of the deficiencies pointed out by the Examiner in the Office Action. Accordingly, the claims, as amended, are believed to overcome the Examiner's § 112, second paragraph, rejection.

The Examiner has also rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Liddy et al. in view of Bowman et al. Applicants respectfully traverse the Examiner's § 103 rejection of the claims.

At page 6 of the Office Action, the Examiner admits that "Liddy does not explicitly disclose selecting and calculating, for every selected set of information, a weighting associated with every query term, said weighting indicative of the portion of users who identified the selected set of information and indicated that it was relevant; identifying ...

a weighting in excess of a predetermined threshold; providing ... output ... by use of said identified query term.” Applicants agree that Liddy does not teach these explicit features of its invention and, further, respectfully submit that neither does Bowman et al.

Indeed, the Examiner’s citation of references teaches nothing more than what is explained in the background portion of the specification at page 2, line 18 through page 3, line 5. The combination of references cited by the Examiner have the same deficiency as pointed out in the above cited portion of the specification wherein it is stated:

However, techniques such as that described above are limited to working with a set of documents actually retrieved. If the quality of information retrieved is poor, then post-retrieval analysis of that information is unlikely to be able to compensate, particularly when key information is simply not identified in the search.

Bowman et al. simply does not provide for a user to identify that the referenced set of information was relevant. This is a key patentable distinction of Applicants’ invention over the cited art. At page 6 of the Office Action, the Examiner alleges that Bowman does teach this feature of the invention and cites to Bowman at page 3, lines 6-9. But no where does the cited passage of Bowman indicate that users actually identify whether the reference set of information was relevant. Indeed, the portion cited by the Examiner is set forth in the Office Action as follows:

The scores in the rating table preferably reflect, for a particular item and term, how often users have selected the item when the item has been identified in query results produced for queries containing particular term.”

This portion of Bowman et al. simply does not teach or even suggest Applicants’ feature wherein a user affirmatively responds to the retrieved information by identifying which

information is actually relevant. In other words, the system created by the Examiner's combination of references may count the number of times certain information is retrieved in response to a query term but no where does the system even contemplate that a user would identify which pieces of retrieved information are actually relevant and then create weighting factors based on this user action. Accordingly, claim 1 is believed to clearly patentably define over the cited references taken either singly or in combination.


In addition, since independent claims 7, 13 and 15 also recite this same key feature, i.e., that a user has identified particular sets of retrieved information as relevant these claims are also believed to patentably define over the cited references. Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-16, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

KROHN et al  
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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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